



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

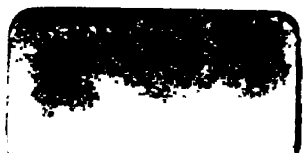
HD

Carnegie Foundation for the Advance-
ment of Teaching

The Study of Legal Education

US
907
CAR

HARVARD
LAW
LIBRARY
1917



c#

THE STUDY OF LEGAL EDUCATION

FROM THE REPORT
OF THE PRESIDENT OF THE CARNEGIE FOUNDATION
FOR THE ADVANCEMENT OF TEACHING
FOR 1917

NEW YORK
THE CARNEGIE FOUNDATION FOR THE
ADVANCEMENT OF TEACHING
1917

5
US
907
CAR

TX
C28923

1/21/35

D. B. UPDIKE • THE MERRY MOUNT PRESS • BOSTON

LEGAL EDUCATION

THE existence of a state of war between the United States and Germany overshadows legal education in common with other peaceful—or relatively peaceful—pursuits. It is too soon to predict whether the line of educational progress initiated when we threw down our arms in 1865 has been only temporarily interrupted and will eventually be resumed with little fundamental change of aim, or whether the year 1917 marks the definite close of this chapter in our history. The radical changes that are occurring in our political and economic structure, if carried over into times of peace, can hardly fail to react upon our law schools. Whatever the future may have in store for us, there is no doubt that legal education is injuriously affected by conditions as they are to-day. Not only are the major energies of the community diverted to meeting a national emergency, so that little interest can be aroused in slowly maturing programmes of reform, but some actual loss of what has already been gained is inevitable. Young men of spirit cannot give full attention to their books in an environment that resounds with preparation for war. For those who suspend their studies to follow the flag, concessions from the regulations applicable to normal times must be made. Special examinations to prevent loss of credit for work completed before leaving the school, or even actual remission of part of the requirements, have been made by the schools. Bar examiners, here as in Canada, are allowing time spent in military service to be counted as part of the period of study they prescribe prior to taking their examinations. In one state the contention that judicial control over admission to the bar cannot be interfered with by the legislature has, in the excitement of the times, been given unwonted application. Hitherto, on the few occasions when this disputed doctrine has been successfully invoked, it has been for the purpose of preventing the legislature from breaking down barriers placed around the profession by the courts. In Michigan, however, when patriot graduates of the University of Detroit Law School demanded this spring a special examination which the State Board of Law Examiners were not prepared to give on short notice, the Circuit Court came to their rescue by giving the examination itself. The precedent, should it be allowed to stand, would reduce recent legislation, establishing for the first time an effective system of bar admissions in this state, to so much waste paper.

None of these occurrences would have been justifiable in ordinary times. Some of them cannot be defended even by the war-time argument which excuses so much. It is incumbent upon all of us to retain command of our emotions in the present crisis, and realize that while the usual standards do not and should not apply, this should not be made the signal for demoralization. Somewhat of our ideals must be sacrificed in order that the rest may survive. This does not mean that the pot should be thrown after the handle. Young men—and perhaps particularly young Americans—are naturally inclined to underrate the importance of school work and school regulations, as compared with the patriotic duty of service in the field. They should ask them-

selves if they really can, as individuals, serve the community better in the army than in the less spectacular activities of professional life; and if they are convinced that they can, and are prepared to offer all that they have and all that they are, then they should not cheapen their sacrifice by demanding scholastic favors. It is more important, at the moment, that we should have an efficient army than a highly educated bar, but a young man cannot at one and the same time prepare himself to be both a soldier and a lawyer. Bar examiners and law school authorities likewise face the heavy responsibility of steering their course between two extremes. If, on the one hand, they should not follow the line of least resistance, and in natural sympathy with the aspirations of youth "let everybody by," neither should they make the even graver mistake of not recognizing that this is a changed world in which we are living. It is proper that everything within reason should be done to minimize the sacrifices of those who go to the front, even at some cost to scholastic standards. Particularly in view of the fact that our universities harbor individuals, conspicuous because of their rarity, who are not in whole-hearted sympathy with the War, even the appearance of interposing obstacles to its successful prosecution must be sedulously avoided.

Finally, for those of us who are still further removed from the fighting edge of the state—who neither defend our country in time of war, nor make and administer its laws in time of peace, nor even educate its future politicians and practitioners ourselves, but merely comment more or less effectually on those who do—our best service is to pursue the even tenor of our way, in the belief that our work possesses ultimate if not timely value. The material for the Foundation's study of legal education may now be said to have been fully accumulated. The special gaps in our information, mentioned in my last Annual Report, have been filled. Such further details as are still occasionally requested by correspondence concern rather minute points—as for instance old attendance figures—of no great importance in themselves, or are for the purpose of keeping our information up-to-date, and do not operate in any way to delay the general organization of the material. This is now in an advanced stage. Whether the manuscript when completed will be published at once will necessarily depend largely upon the international situation.

A question of immediate interest to many schools is the effect that the War may be expected to have upon their student attendance. The following figures for the Civil War decade may be of interest in this connection. Since the Annual Reports of the United States Commissioner of Education do not go back of 1870, the information has had to be compiled from annual catalogues or alumni lists, or in several instances has been secured by correspondence with officials of the institutions in question. For Harvard several sets of figures exist; those have been used which seem most nearly comparable to figures available for other institutions. The table includes all Northern university law schools in existence at the outbreak of the war, with the exception of the Kentucky University (Transylvania) school, closed by the war and reopened in

1865 with 18 students. Corresponding figures for four of the seven antebellum Southern university law schools are also appended.

ATTENDANCE AT FOURTEEN NORTHERN LAW SCHOOLS, 1860-70

	1860-61	1861-62	1862-63	1863-64	1864-65	1865-66	1866-67	1867-68	1868-69	1869-70
Harvard University	166	158	103	89	124	125	177	157	128	120
* Univ. of Albany (present Albany Law School)	105	133	86	86	118	106	154	146	102	68
Univ. of Michigan	90	159	129	134	221	260	385	395	387	308
* Cincinnati L. S.	76	65	14	25	19	20	61	44	14	45
U. of Pennsylvania	71	71	54	47	62	65	66	67	63	49
New York University	67	79	70	70	75	16	25	25	25	25
Columbia University	62	100	111	149	169	158	178	166	184	230
* Univ. of Louisville	36	27	8	9	10	14	28	27	23	19
Yale University	28	30	28	34	31	32	35	26	16	18
* Univ. of Chicago (present North- western University)	11	14	10	11	24	26	24	20	13	29
* McKendree College	—	7	2	1	3	0	2	2	4	0
* Indiana Ashbury Univ. (present De Pauw)	8	4	2	—	—	—	—	—	—	—
* Hamilton College	0	2	2	1	2	1	0	3	2	6
* Univ. of Indiana	0	0	4	6	11	6	13	14	11	20
Total	720	849	623	662	869	829	1148	1099	973	937

ATTENDANCE AT FOUR SOUTHERN LAW SCHOOLS, 1860-70

	1860-61	1861-62	1862-63	1863-64	1864-65	1865-66	1866-67	1867-68	1868-69	1869-70
* Cumberland Univ.	66	38	—	—	—	—	—	29	34	24
Univ. of Virginia	131	135	9	5	7	10	67	121	109	109
Univ. of Mississippi	29	19	25	—	—	—	—	24	14	22
Univ. of Georgia	26	40	—	—	—	—	8	0	10	12
Total	252	232	34	5	7	10	75	152	168	167

Analysis of these figures shows that the aggregate reduction in attendance at the Northern schools, during the first year of the war, was little over 25 per cent, and that after two more years this loss was fully made up. The return of the soldiers to civil life in 1865 was marked by a heavy increase (more than 35 per cent) over this level. The sagging tendency during the remainder of the decade is doubtless due in part to the fact that the attendance just after the war included an unusually large floating element, which studied law only as a stopgap while awaiting an opportunity to establish themselves in commercial pursuits. In part, however, it is also attributable to the competition of new schools started during the decade. Competition also explains most of the variations in the individual schools, notably gains made by the new Columbia

* Graduates.

EDUCATIONAL ENQUIRY

and University of Michigan schools at the expense of weaker institutions. During the latter years of the decade these two schools contained between them over half the total number in the older Northern schools. Harvard was hurt, in addition, by the loss of its Southern clientèle; 20 per cent of its students, in 1859-60, had come from Southern or border states. The New York University Law School, after having been already outdistanced by Dwight's Columbia school, was temporarily wrecked in 1864 by a raise from a one-year to a two-year course.

It would appear, therefore, that, in the North, war conditions in and of themselves did not operate to produce to any serious extent an actual reduction in law school attendance. The Civil War did have the effect, however, of preventing the schools from growing as rapidly as they would otherwise have done. The table shows that in ten years the total figures for the Northern schools increased from a little over 700 to a little over 900. Allowing for students in one-year schools who did not graduate and are not included in the computation, 800 and something over 1000 respectively would be a fair estimate for the aggregate attendance at these schools. The figures reported by the United States Commissioner of Education, ten years later, for such of these schools as survived increasing competition with newer institutions, show an aggregate attendance of no less than 1674—a gain of about 60 per cent, as against one of about 30 per cent for the war decade.

The effect of war and reconstruction upon the Southern schools was naturally much more disastrous and long continued. Utilizing Cumberland figures for actual attendance, which are fortunately available for the years in question, we find the following progressive diminution in attendance at all four of these schools, between 1860 and 1880:

	1869-70	1869-70	1879-80
Cumberland University	180	67	48
University of Virginia	131	109	104
University of Mississippi	39	23	21
University of Georgia	26	12	4
Total	366	210	177

Ex 926
67
1/17/35



